

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

JASON WILLIAMS,

Plaintiff,

vs.

AT&T MOBILITY LLC,

Defendant.

Case No. 5:19-cv-00475-BO

**AT&T’S MOTION TO SEAL MATERIALS FILED
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Defendant AT&T Mobility LLC (“AT&T”) respectfully moves this Court for an Order pursuant to Local Rule 79.2 sealing certain portions of materials that AT&T is filing in support of its motion for summary judgment. Specifically, AT&T requests that this Court enter an Order sealing (1) limited portions of AT&T’s Memorandum in Support of Motion for Summary Judgment or Partial Summary Judgment (ECF 119 at 7-8, 14-15), a redacted copy of which is attached hereto as Exhibit A; (2) limited portions of AT&T’s separate statement of material facts (ECF 120, ¶¶ 9, 12, 19), a redacted copy of which is attached hereto as Exhibit B; and (3) Exhibits 4 and 5 in the Appendix in support of AT&T’s Motion for Summary Judgment and accompanying motions in limine (ECF 125-5, 125-6), which Appendix containing redacted copies of Exhibits 4 and 5 is attached hereto as Exhibit C (collectively, “Proposed Sealed Materials”). In support of this Motion, AT&T is contemporaneously filing a Memorandum in Support of the Motion to Seal, the Declaration of Joseph S. Dowdy in Support of the Motion to Seal, and a Proposed Order.

1. The Proposed Sealed Materials contain information that is subject to sealing because it identifies AT&T’s proprietary, trade secret, and/or highly sensitive business information, including AT&T’s practices for combatting SIM swap fraud.

2. The Proposed Sealed Materials include or discuss deposition testimony given by two AT&T employees designated as corporate representatives pursuant to Rule 30 (b)(6) in this action. The deposition excerpts are Exhibits in the Appendix in support of AT&T's Motion for Summary Judgment and two accompanying motions in limine. That testimony or the information described therein is also discussed in AT&T's Memorandum in Support of its Motion for Summary Judgment and its separate statement of facts.

3. The information to be sealed discusses in detail AT&T's efforts to prevent unauthorized SIM swap activity, including AT&T's specific technology, security practices, policies and procedures.

4. The public release of this information would harm not only AT&T's competitive standing, but would also threaten the security of AT&T's wireless network, because criminals could use that information to attempt to overcome AT&T's security practices and commit crimes, including unauthorized SIM card swaps, putting AT&T, its network and its subscribers at risk of harm.

5. Nothing short of sealing the redacted portions of the Proposed Sealed Materials will protect AT&T's proprietary, trade secret, and/or highly sensitive business information and AT&T and its subscribers from the threat of criminal activity.

6. The need to protect that information from public disclosure overcomes the public's right of access to judicial records.

7. AT&T is filing public, redacted versions of the Proposed Sealed Materials as exhibits to this Motion to ensure that the public has access to as much information as possible while protecting the trade secret and highly sensitive information contained in the Proposed Sealed materials and protecting the public from the threat of criminal activity. AT&T is also provisionally filing under seal unredacted copies of the Proposed Sealed Material for the Court's consideration.

8. As the Plaintiff and his counsel previously agreed to maintain this testimony under seal pursuant to the Protective Order in place in this action at the time this testimony was taken and designated by AT&T as “Highly Confidential,” AT&T does not expect that Plaintiff will oppose this Motion to Seal.

9. AT&T submits a proposed Order with this Motion pursuant to Section V.G.1(a) of this District’s ECF Administrative Policies and Procedures Manual.

WHEREFORE AT&T respectfully requests that the Court enter an Order permanently sealing the redacted portions of the Proposed Sealed Materials.

Respectfully submitted this 30th day of March 2022.

/s/ Joseph S. Dowdy
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Counsel for Defendant AT&T Mobility LLC

CERTIFICATE OF SERVICE

I hereby certify that on date set out below, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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This the 30th day of March, 2022.

/s/ Joseph Dowdy
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